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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,846	11/13/2003	Joseph V. Miseli	SUN03-0284-BBC	2774
22835	7590	06/24/2005	EXAMINER	
A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616			BHAT, ADITYA S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/713,846

Applicant(s)

MISELI ET AL.

Examiner

Aditya S. Bhat

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-14, 18-24 and 28-30 is/are rejected.
- 7) ☒ Claim(s) 5-7, 15-17 and 25-27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/14/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,3-4,8-11, 13-14,18-21,23-24,28-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Webb et al. (USPUB 2004/0100421).

With regards to claims 1,11 and 21 Webb et al. (USPUB 2004/0100421) teaches a method, computer readable storage mechanism and apparatus for testing the motion performance of an electronic display system, wherein the electronic display system is comprised of a display, graphics processing software, graphics processing circuitry, and an interface coupling the display and the graphics processor, the method comprising:

receiving a set of test parameters; (1302; Refer to figure 13)

using the set of test parameters to generate a video image of an object in motion;
(1309; Refer to figure 13)

displaying the video image of the object in motion on the display; (120; Refer to figure 1a) and

measuring the amount of distortion in the shape of the object in motion relative to the shape of the object in a stationary state. (Page 2, paragraph 0029 & 0043)

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With regards to claims 3, 13 and 23, Webb et al. (USPUB 2004/0100421) teaches receiving a request to change an attribute of the object in motion; and in response to the request, changing an attribute of the object in motion. . (page 5, paragraph 0085)

With regards to claims 4, 14 and 24 Webb et al. (USPUB 2004/0100421) teaches the attributes can include one of color, size, shape, shading, fill pattern, speed, direction of movement, and type of movement. . (Page 1, paragraph 0014)

With regards to claims 8, 18 and 28, Webb et al. (USPUB 2004/0100421) teaches the distortion can include one of: Flickering, flashing, smearing, blurring, line spreading, geometric distortion, color-induced artifacts, and inaccurate color reproduction. (Page 1, paragraph 0014)

With regards to claims 9, 19 and 29 Webb et al. (USPUB 2004/0100421) teaches storing the set of test parameters to a storage medium to facilitate producing an identical set of test parameters during a subsequent test. (Page 2, paragraph 0040, 0042 & 0049)

With regards to claims 10, 20 and 30 Webb et al. (USPUB 2004/0100421) teaches recording the measured distortion on a storage medium. (Page 6, Paragraph 0093)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 12 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webb et al. (USPUB 2004/0100421) in view of Chiu et al. (USPN 6,366,705).

With regards to claims 2, 12 and 22, Webb et al. (USPUB 2004/0100421) does not appear to explicitly disclose displaying a second object; and measuring the amount of distortion caused by the interaction of the second object with the object in motion.

Chiu et al. (USPN 6,366,705) discloses displaying a second object; and measuring the amount of distortion caused by the interaction of the second object with the object in motion. (Col.4, lines 40-65)

It would have been obvious to one skilled in the art at the time of the invention to modify the Webb et al. (USPUB 2004/0100421) invention to include the second object taught by Chiu et al. (USPN 6,366,705) since it would be highly desirable to develop encoding techniques that segment frames into portions that should be motion compressed and those that do not need to be motion compressed. (Col.4, lines 16-19)

Allowable Subject Matter

The following is a statement of reasons for the indication of allowable subject matter: Claims 5-7, 15-17 and 25-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

:
Regarding Claims 5-7, 15-17 and 25-27:

The primary reason for the allowance of claims 5,15 and 25 is the inclusion of the method steps of: measuring the amount of distortion of the object in motion relative to the object in the stationary state further involves: placing a ruler on a boundary of the object where the distortion occurs; increasing a width of the ruler until the ruler covers the distortion; and measuring the width of the ruler to determine the size of the distortion. It is this feature found in the claim, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes this claim allowable over the prior art.

Claims 6-7, 16-17 and 26-27 are allowed due to their dependency on claims 5,15 and 25 respectively.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kudo et al. (USPN 6,501,503) teaches an image pickup device having means for correcting the motion of an image, Sugahara et al. (USPN 6,778,210) teaches a image pickup apparatus with blur compensation, Otani et al. (USPUB 2003/0012565) teaches a image blur compensation device with reduced noise effect mechanism, McConica (USPUB 2003/0011717) teaches a method for reducing motion

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blur in a digital image, Mehrotra (USPUB 2004/0001544) teaches motion estimation/compensation for screen capture video, Saunders et al. (USPN 5,347,312) teaches motion compensated video signal processing, Notea et al. (USPUB2004/0239763) teaches a method and apparatus for control and processing video images and Zamorano et al. (USPUB 2003/0179308) teaches a augmented tracking using video, computed data and/or sensing technologies.

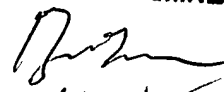
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aditya S. Bhat whose telephone number is 571-272-2270. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aditya Bhat
June 20, 2005

BRYAN BUI
PRIMARY EXAMINER


6/23/05